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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
LUDWIG, MATTHEW J				
ART UNIT		PAPER NUMBER		
2178				
NOTIFICATION DATE		DELIVERY MODE		
12/24/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/814,273

Applicant(s)

MATSUSHITA, TAKAYA

Examiner

MATTHEW J. LUDWIG

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
- Paper No(s)/Mail Date 11/04/08
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is in response to the Request for Reconsideration received 7/18/2008.
2. Claims 1-60 are pending in the application. Claims 1, 11, 23, 37, 41, 45, 51, 53, 55, and 57-59 are independent claims.
3. Claims 1-60 remain rejected under 35 U.S.C. 102(e) as being anticipated by Nicholas pursuant to applicant's arguments.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1-60 are rejected under 35 U.S.C. 102(e) as being anticipated by Nicholas, USPN 6,865,719 filed (3/8/05).**

In reference to independent claim 1, Nicholas teaches:

‘a web page creation unit configured to create a Web page having operation items based on operation item display information which is defined based on a device that displays the Web page’. (See column 15, lines 1-55 and column 16, lines 1-8). The reference discloses a display data creating apparatus comprising a determination for at least one of the display sections whether the information to be contained in a current display section satisfies a prescribed condition based on display configuration information the prescribed condition indicating whether

information contained in the current display section has been updated, because Nicholas teaches that the message may transmit an alert to a user, for example when the price of a stock dips to a given price indicated by the user, i.e., a time critical event, the alert indicating that the information has been updated.

'the web page creation unit configured to select the operation items from a list including at least one of a first operation item configure to move a file location and a second operation item to delete a file and a web server unit configured to receive a request from a web server'. (See column 7, lines 36-52 and column 3, lines 1-23). Nicholas teaches that the message can be resized based on user activity in the display section so as to minimize or avoid interference with text, or the message can disappear based on user activity or may be repositioned, resized or disappear altogether when the cursor is positioned in space considered beyond the confines of the web page (see column 8, lines 25-35).

In reference to dependent claim 2, Nicholas teaches:

The message can be resized based on user activity in the display section so as to minimize or avoid interference with text, or the message can disappear based on user activity (See column 7, lines 36-52 and column 3, lines 1-23). The message may be repositioned, resized, or disappear altogether when the cursor is positioned in space considered beyond the confines of the web page. See column 8, lines 25-35.

In reference to dependent claim 3, Nicholas teaches:

When a cursor is placed over certain on screen areas, the message can disappear, or be modified by fading, becoming transparent, and changing in size. See column 6, lines 50-63 and figure 8b.

In reference to dependent claim 4, Nicholas teaches:

The trailing message is used to receive send and respond to any type of aggregate data and display such data in the individually animated ghost window or object positioned in relation to the cursor icon. See column 3, lines 49-67.

In reference to dependent claim 5 and 7, Nicholas teaches:

When the cursor icon is placed over certain on-screen areas, messages can disappear for a period of time. In an alternative embodiment, message can be modified in some way, such as, fading, becoming transparent, and changing in size. See column 6, lines 60-67.

In reference to dependent claim 6 and 8, Nicholas teaches:

The trailing message is used to receive send and respond to any type of aggregate data and display such data in the individually animated ghost window or object positioned in relation to the cursor icon. See column 3, lines 49-67.

In reference to dependent claim 9, Nicholas teaches:

The message can be resized based on user activity in the display section so as to minimize or avoid interference with text, or the message can disappear based on user activity. See column 7, lines 36-52 and column 3, lines 1-23.

In reference to dependent claim 10, Nicholas teaches:

Enabling a user to hyperlink from a message displayed on a cursor icon of a graphical user interface for a computer or other electronic device. See page 3, lines 27-67.

In reference to dependent claim 11, Nicholas teaches:

'an inquiry unit configured to transmit an inquiry about usable function of the external device to the external device'. (See column 3, lines 48-67).

'a web page creation unit configured to create a Web page having operation items based on operation item display information which is defined based on a device that displays the Web page'. (See column 15, lines 1-55 and column 16, lines 1-8). The reference discloses a display data creating apparatus comprising a determination for at least one of the display sections whether the information to be contained in a current display section satisfies a prescribed condition based on display configuration information the prescribed condition indicating whether information contained in the current display section has been updated, because Nicholas teaches that the message may transmit an alert to a user, for example when the price of a stock dips to a given price indicated by the user, i.e., a time critical event, the alert indicating that the information has been updated.

Nicholas teaches that the message can be resized based on user activity in the display section so as to minimize or avoid interference with text, or the message can disappear based on user activity or may be repositioned, resized or disappear altogether when the cursor is positioned in space considered beyond the confines of the web page (see column 8, lines 25-35).

In reference to dependent claim 12, Nicholas teaches:

The reference discloses a display data creating apparatus comprising a determination for at least one of the display sections whether the information to be contained in a current display section satisfies a prescribed condition based on display configuration information the prescribed condition indicating whether information contained in the current display section has been updated, because Nicholas teaches that the message may transmit an alert to a user, for example when the price of a stock dips to a given price indicated by the user, i.e., a time critical event, the

alert indicating that the information has been updated. (See column 15, lines 1-55 and column 16, lines 1-8).

In reference to dependent claim 13-22, the claims recite similar limitations to those found in claims 1-12. Therefore, the claims are rejected under similar rationale.

In reference to claims 23-60, the claims recite similar limitations to those found in claims 1-12. Therefore, the claims are rejected under similar rationale.

Response to Arguments

6. Applicant's arguments with respect to claims 1-60 have been considered but they are not persuasive.

The arguments presented in reference to independent claim 1 state that a web page having operation items based on operation display information is not disclosed within the reference to Nicholas. More specifically, applicant states that if the message taught by Nicholas is utilized to teach a web page as claimed then the message fails to accurately define a web page having operations items. However, as presently claimed, the language fails to clearly state how the web page incorporates the operation items. The Examiner believes that the message taught by Nicholas who suggests operation items used to move or delete a file (the message itself), provides a proficient web page having operation items. Furthermore, as presently claimed, the language 'a web page having operational items based on operation-item display information' fails to identify whether the operation items are metadata or content found directly on the web page.

In reference to independent claim 11, a similar argument applies to the language which states 'a web page creation unit configured to create a web page having operation items

corresponding to functions of an external device, the external device including a multi-function peripheral system'. As presently claimed, the language fails to clearly state how the web page incorporates the operation items. The Examiner believes that the message taught by Nicholas who suggests operation items used to move or delete a file (the message itself), provides a proficient web page having operation items. Furthermore, as presently claimed, the language 'a web page having operational items based on operation-item display information' fails to identify whether the operation items are metadata or content found directly on the web page. Applicant argues the limitation 'based on...usable function identification information, which is received from the external device' and states that Nicholas fails to teach or suggest usable functions of the external device. As presently claimed, usable functions are interpreted broadly by the examiner and as such, the examiner believes the reference to Nicholas provides a suggestion of usable functions with the enabling of a positional identifier. The method enables users to integrate enhanced notification, messaging and data functions into any application program or any computing environment. The method notifies users of events or other data without the use of a dialog box that utilize computing resources. It enables the user to continuously utilize an application or service while concurrently receiving new information or data. The notification agent runs in the background of any electronic device.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW J. LUDWIG whose telephone number is (571)272-4127. The examiner can normally be reached on 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stephen S. Hong/
Supervisory Patent Examiner, Art Unit
2178

ML